

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

JOHN W. MANNING, §
Harris County 126641, §
Plaintiff, §
§
versus § CIVIL ACTION H-09-4006
§
§
ADRIAN GARCIA, §
§
Defendant. §

Opinion on Dismissal

John W. Manning sues for civil rights violations. He is in the Harris County Jail. Manning moves to proceed as a pauper. He has sued about ten other times in district court. The district court dismissed three of these lawsuits as frivolous or for failure to state a claim recognized at law. *Manning v. Thomas*, H:95cv5368 (S.D. Tex.); *Manning v. Thomas*, H:03cv2009 (S.D. Tex.); and *Manning v. Causey*, H:04cv2858 (S.D. Tex.). When Manning sued in these other cases, he was held in prison or jail. The district court dismissed these other cases before Manning filed this case.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). In H:04cv2858, the court granted a motion to dismiss or for summary judgment because Manning sued only the sheriff and this court said Manning failed to allege any involvement or direction by the sheriff in the claimed deprivations. Manning's allegations here do not show that he is under imminent danger of serious physical injury.

This complaint is dismissed. 28 U.S.C. § 1915(g). The clerk will send a copy to the District Clerk, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

Signed Jan. 20, 2010, at Houston, Texas.


Lynn N. Hughes
United States District Judge